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Sept 18 2003  
CLERK, U.S. DISTRICT COURT  
GREENSBORO, N.C.

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No.

1:03CV00879

FELICIA PFOUTS, )  
Plaintiff, )  
 )  
V. ) COMPLAINT  
 )  
THE MEGA LIFE AND HEALTH )  
INSURANCE COMPANY, )  
Defendant. )



NOW COMES Plaintiff and, complaining of Defendant, alleges and says:

1. Plaintiff is a resident and citizen of the State of North Carolina.
2. Upon information and belief, Defendant is a corporation incorporated in and having its principal place of business in the State of Texas.
3. Between August 1996 and August 1999, Plaintiff was insured under a group policy issued by Defendant to North Carolina Central University where Plaintiff was a student.
4. Defendant paid Plaintiff for some of the medical expenses incurred by her during that time, but postponed the payment for other charges that qualified for reimbursement under the terms of the afore mentioned policy. Specifically, Defendant did not pay for charges in the amount of \$4,453 from Duke Private Diagnostic Clinic, charges in the amount of \$1,000 from Duke Hospitals, charges in the amount of \$220 from Triangle Neurology, charges in the amount of \$1,000 from UNC Physicians and Associates and charges in the amount of \$1,000 from UNC Hospitals.
5. Various representatives of Defendant repeatedly promised to pay for those charges. On September 7, 2003, Cassandra Stuart, representative of Defendant sent Plaintiff a message reiterating the promise to pay all those charges.
6. Defendant, through its representatives, has failed to fulfill those promises. The failure was in bad faith.
7. Defendant, through its agents, has breached the duty of good faith and fair dealing owed to Plaintiff in the following respects:
  - a. Failing unreasonably and in bad faith to make payments to Plaintiff at a time when Defendants knew that Plaintiff was entitled to those benefits under the terms of the policy.;
  - b. Unreasonably delaying payments to Plaintiff in bad faith, despite the knowledge of Defendants'agents that Plaintiff's claim was valid;
  - c. Unreasonably misrepresenting to Plaintiff pertinent policy provisions relating to the insurance coverage at issue with the intent to deceive Plaintiff;
  - d. Failing to reasonably and promptly investigate and process Plaintiff's claim for payment;
  - e. Failing to make a good faith effort to obtain a prompt, fair and equitable settlement of Plaintiff's claim for payment;

f. Plaintiff is informed and believes, and, on that basis, alleges, that Defendant's agents have breached their duty of good faith and fair dealing owed to Plaintiff by other omissions of which Plaintiff is presently unaware, which will be shown according to proof at the time of trial.

8. As a proximate result of the unreasonable and bad faith conduct mentioned above, Plaintiff has suffered economic and consequential damages in an amount to be shown at trial.

9. As a further proximate result of the wrongful conduct of Defendant's agents, Plaintiff has suffered anxiety, worry, mental and emotional distress, all to her general damage in a sum to be determined at the time of trial.

10. By reason of the conduct alleged above, Plaintiff is entitled to recover from Defendant damages in excess of One Hundred Thousand Dollars for Breach of Contract, Negligence, Unfair and Deceptive Trade Practices and Breach of Duty of Good Faith and Fair Dealing.

**DEMAND FOR JURY TRIAL**

Plaintiff requests trial by jury.

WHEREFORE, Plaintiff prays the Court that:

- a. A judgment be entered against Defendant for damages in an amount in excess of One Hundred Thousand Dollars;
- b. Reasonable attorney fees be awarded to Plaintiff;
- c. A jury trial be ordered on all triable issues;
- d. The costs of this suit be taxed against Defendant;
- e. Any further relief that the Court deems just and proper be granted to Plaintiff.

This the 5th of September 2003.

  
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